REMARKS/ARGUMENTS

Claims 1 – 12 are pending in this application. Claims 1, 5 and 9 have been amended by this response. Claim 1 has been formally amended to correct the identified informalities in accordance with the Examiner's suggestion. Claims 1, 5 and 9 have also been amended for purposes of clarity. Support for these amendments can be found throughout the specification and, more specifically, on page 5, line 21 – page 6, line 11. Thus, it is respectfully submitted that no new matter has been added by these amendments.

Objection to the Claims

Claim 1 is objected to because of the informalities identified on page 2 of the Office Action. Claim 1 is formally amended in accordance with the Examiner's suggestion to correct the identified informalities. No new matter is added by these amendments. Therefore, it is respectfully submitted that this objection has been overcome and should be withdrawn.

Rejection of Claims 1 – 12 under 35 USC § 103(a)

Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (US Patent 6,003,041) in view of Kim (US Patent 5,448,370).

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeals and Interferences has recently confirmed, a proper obviousness determination requires that an Examiner make "a searching comparison of the claimed invention - *including all its*

limitations - with the teaching of the prior art." *See In re Wada and Murphy*, Appeal 2007-3733, *citing In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Independent claim 1 provides a method of performing a channel search implemented in a video processing apparatus having at least two video inputs, each video input able to receive a video signal originating from a respective one of a plurality of external input sources and coupled to a display device. The method includes selecting by a user a video input as a currently selected video input from one of the at least two video inputs, wherein the at least two video inputs are receiving different video signals from different external sources. The video processing apparatus determines if the video signal received on the currently selected video input is at least one of a certain type of video signal and the video signal originates from a certain type of video source. Available channels are detected from various possible channels received from the source connected to only the currently selected video input when the received video signal is at least one of the certain type of video signal and originates from the certain type of video source. A channel list of all channels available for the currently selected video input is updated. For the reasons presented below, it is respectfully submitted that Wugofski and Kim, either alone or in combination, fail to teach or suggest each feature of the present claimed arrangement.

Wugofski describes a computer system that has a large number of media input sources selectively coupled to a single presentation device. A device database tracks characteristics and connections of the input sources. Multiple, possibly conflicting, channels are assigned to a set of mutually distinct logical channel designations in a channel-map database. Program events occurring on the channels reside in a guide database (*see* Abstract).

In response to Applicant's arguments, the Office Action asserts that Wugofski was relied on to teach "determining by the video processing apparatus if said video

signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source". Applicant respectfully disagrees. Unlike the present claimed arrangement, and as acknowledged in the Office Action, Wugofski fails to teach or suggest that the claimed activity of "determining... if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source" is performed "**by the video processing apparatus**". Instead, in Wugofski, only the user is capable of specifying a type of device connected to an input and input characteristics about the device (see col. 6, lines 24-28). A system that requires the user's input on what type of device is connected is fundamentally different from and not equivalent to a system, on its own, that is able to determine the type of signal and the type of source from which it originates as in the present claimed arrangement. The apparatus in the present claimed arrangement can analyze the signal and make its own determination as to the type and source of the signal. Unlike the present claimed arrangement, Wugofski's system requires the user's input and knowledge of the new connection being made which teaches against the claimed arrangement that is able to receive different input signals and determine their type and source. Therefore, Wugofski fails to teach nor suggest "determining by the video processing apparatus if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source" as recited in claim 1 of the present arrangement.

In addition, as conceded in the Office Action, Wugofski fails to disclose "at least two video inputs are receiving different video signals from different external sources." The Office Action also concedes that Wugofski fails to disclose "detecting available channels ... when the received video is at least one of said certain type of video signal and originates from said certain type of video source." Instead, Wugofski discloses system that requests that the user identify the device 120, its port number in multiplexer 130, and its source 110 when a new connection is made (col. 6, lines 24-28). The system reads a number of characteristics from the device itself and builds a new record containing channel information and therefore detects the available channels from the source connected to only the currently selected video input (col. 6, lines 28-

31). However, the Office Action asserts that Kim describes the aforementioned features. Applicant respectfully disagrees.

Kim describes an apparatus that controls a cable box and monitors the television signals received from the cable box, in a closed loop manner. By monitoring an appropriate signal, the VCR controller detects perturbations of signal level to indicate that the cable box has changed channels. The apparatus automatically determines the proper control code format for the cable box by issuing a channel change command and observing if the cable box responds to the channel change command (*see* Abstract).

Kim, similar to Wugofski, fails to teach or suggest "at least two video inputs are receiving different video signals from different external sources" as recited in claim 1 of the present arrangement. Unlike the present claimed arrangement, Tuner 102 and VCR are not a video processing apparatus that has at least two inputs. Tuner 102 is coupled to the single RF input via the cable box (see col. 4, lines 51-61; Fig. 2a and Fig. 2b). Kim shows that the Tuner Assembly 102 has only one RF input (see Fig. 1). Additionally, Figure 2b of Kim clearly shows only one input into the cable box which is provided to Tuner 102 of the VCR. Kim only provides one input that receives one signal which is coupled to the TV. Therefore, Kim fails to include the requisite circuitry needed to identify the type and the source of the signal. This is fundamentally different from the claimed arrangement which selects one RF video input of **"at least two RF video inputs…receiving different video signals from different external sources"**. Kim only shows a single signal from a single source and thus cannot teach or suggest "at least two video inputs are receiving different video signals from different external sources" as recited in the present claimed arrangement.

Kim, similar to Wugofski, also neither teaches nor suggests "determining by the video processing apparatus if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source" as recited in claim 1 of the present arrangement. Unlike the present claimed arrangement, Kim is only concerned with VCR controllers that can automatically determine the proper control code format for the cable box by

issuing a change channel command and observing if the cable box responds to the command. Kim is silent regarding whether the system can determine if the video received on the currently selected video input is of a certain type and if the video signal originates from a certain type of video source. Therefore, Kim, similar to Wugofski, neither teaches nor suggests "determining by the video processing apparatus if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source" as recited in the present claimed arrangement.

Additionally, it is not proper to combine Wugofski and Kim as the combination, similar to the individual systems, would not provide a video processing apparatus performing a channel search that includes "selecting by a user a video input as a currently selected video input from one of at least two video inputs, wherein said at least two video inputs are receiving different video signals from different external sources" and "detecting available channels from various possible channels received from the video source connected to only the currently selected video input when said received video signal is at least one of said certain type of video signal and originates from said certain type of video source" as recited in claim 1 of the present arrangement. Contrary to the Examiner's assertion, Wugofski and Kim are not analogous art. It is not obvious to modify an electronic data-processing system as described by Wugofski with the limitations taught by Kim for the advantage of automating the process of updating a list of available channels. Wugofski advances the flexibility and configurability of converged computer systems by providing a method for managing multiple channel maps from different input devices within a single system (*see* column 2, lines 12 – 16). On the hand, Kim is concerned with VCR controllers that can automatically determine the proper control code format for the cable box by issuing a change channel command and observing if the cable box responds to the command, which is a completely different technical field (*see* column 2, lines 24 – 34). Thus, as Kim is directed to a completely different technical field than Wugofski, a person skilled in the art would not consider combining Wugofski and Kim.

Even if Wugofski and Kim were combined, the resulting system would not produce a system equivalent to the present claimed arrangement. Kim is concerned with automatically determining the proper control format by issuing a channel change command and observing if the command was responded to. As a result, a combination of Wugofski and Kim would only yield an electronic data-processing system with a controller that can automatically determine the proper control format for the system. This is not the equivalent to the present claimed arrangement which provides a method and apparatus for performing a channel search on a television having multiple signal inputs only on the currently selected signal input of the television. This reduces the channel search time by at least one half of the time depending on the number of signal inputs. Thus, the combination of Wugofski and Kim, similar to the individual systems, neither teaches nor suggests "selecting by a user a video input as a currently selected video input from one of at least two video inputs, wherein said at least two video inputs are receiving video signals from different external sources" and "detecting available channels from various possible channels received from the video source connected to only the currently selected video input when said received video signal is at least one of said certain type of video signal and originates from said certain type of video source" as recited in claim 1 of the present arrangement. Therefore, it is respectfully submitted that the rejection of claim 1 has been overcome and should be withdrawn.

Claims 2 – 4 are dependent on claim 1 and are considered patentable for the reasons presented above with respect to claim 1. Therefore, Applicants respectfully submit that Wugofski and Kim, either alone or in combination, fail to teach or suggest the present arrangement as claimed in claims 2 – 4. Consequently, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Independent claim 5 includes features similar to those claimed in claim 1 and therefore is considered patentable for the reasons presented above with respect to claim 1. Therefore, Applicants respectfully submit that Wugofski and Kim, either alone or in combination, fail to teach or suggest the present claimed arrangement. Consequently, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Claims 6 – 8 are dependent on claim 5 and are considered patentable for the reasons presented above with respect to claim 5. Therefore, Applicants respectfully submit that Wugofski and Kim, either alone or in combination, fail to teach or suggest the present claimed arrangement as claimed in claims 6 – 8. Consequently, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Independent claim 9 includes features similar to those claimed in claim 1 and therefore is considered patentable for the reasons presented above with respect to claim 1. Therefore, Applicants respectfully submit that Wugofski and Kim, either alone or in combination, fail to teach or suggest the present claimed arrangement. Consequently, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Claims 10 – 12 are dependent on claim 9 and are considered patentable for the reasons presented above with respect to claim 9. Therefore, Applicants respectfully submit that Wugofski and Kim, either alone or in combination, fail to teach or suggest the present claimed arrangement as claimed in claims 10 – 12. Consequently, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

In view of the above remarks, it is respectfully submitted that the Office Action fails to make a prima facie case that the present claimed arrangement is obvious over Wugofski alone or in combination with Kim. Therefore, as the combination fails to teach or suggest each feature claimed in claims 1 – 12, it is respectfully submitted that this rejection is overcome and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
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